

REMARKS:**I. Introduction**

In the Office Action mailed on January 31, 2006, the Examiner rejected claims 1 to 20. An after final amendment was filed on April 27, 2006 which canceled claims 2, 9, and 10, amended claims 1 and 3, and added no new claims. This Amendment cancels no claims, amends claims 1, 5, 7, 8, 11, 15, 17, 18, and 20, and adds no new claims. Accordingly, claims 1, 3 to 8, and 11 to 20 are now pending in this application.

II. Drawing Objections

The drawings were objected to under 37 C.F.R. 1.83 (a) because the drawings must show every feature of the invention specified in the claims. The examiner stated that "as it stands currently, the crosshatching of each portion is the same (see Fig. 8). A replacement sheet including a corrected FIG. 8 was submitted with the amendment of April 27, 2006. Reconsideration and withdrawal of the objection is requested.

III. Claim Objections

The Examiner objected to claim 10 because of an informality. Claim 10 was cancelled by the amendment of April 27, 2006. Reconsideration and withdrawal of the objection is requested.

IV. Claim Rejections Based on 35 U.S.C. § 102

The Examiner rejected claims 1, 2, and 4 to 6 under 35 U.S.C. 102(b) as anticipated by Pena (US 5,820,497).

Independent claim 1 was amended by the amendment of April 27, 2006 to include the subject matter of claim 9. Reconsideration and withdrawal of the rejection is requested.

V. Claim Rejections Based on 35 U.S.C. § 103

(a) The Examiner rejected claims 1 to 4, 6, 8 to 14, 16, and 18 to 20 under 35 U.S.C. 103(a) as unpatentable over Venegas Jr. et al (US 5,261,647) in view of Graham (US 6,520,461). The Examiner states that Graham teaches a leg support having a plastic foot

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having "reinforcing ribs to deform and slidably receive a sleeve in a friction fit manner" (Col 2, Lines 24-28)" and "Because the ribs deform, it is inherent that the connection portion has a hardness less than that of the bearing portion since it is not an intrinsic material property and the fact that hardness can refer to resistance to bending, different thicknesses of one material result in a different hardness." The Examiner also states that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the metal stanchion portion of Venegas Jr. et al to be constructed of plastic and have the reinforcing rib portions of Graham because that would allow for the foot to be deformed and slidably received in the leg in a friction fit manner."

Independent claims 1, 11, and 20, and claims dependent therefrom, are allowable because they each include the limitations of "wherein the bearing portion is disc shaped having a circular outer periphery, an upper surface, and a lower surface parallel with the upper surface and spaced from the upper surface", "wherein the lower surface of the bearing portion rests on the roof and the lower end of the vertical member engages the upper surface of the bearing portion to support the vertical member above the roof so that the vertical members do not engage the roof", "wherein the connecting portion of the bearing foot is frusto-conical shaped and upwardly extends from the upper surface of the bearing portion, and" "wherein the frusto-conical shaped connecting portion engages the vertical member and is resiliently deformed to secure the bearing foot to the vertical member with an interference fit and resist removal of the bearing foot from the vertical member." No prior art of record reasonably discloses or suggests the present invention as now defined by independent claims 1, 11, 20. Reconsideration and withdrawal of the rejection is requested.

(b) The Examiner rejected claims 7, 15, and 17 under 35. U.S.C. 103(a) as unpatentable over Venegas Jr. et al (US 5,261,647) in view of Graham (US 6,520,461) and further in view of Pena (US 5,820,497).

Dependent claims 7, 15, and 17 are allowable as depending from allowable Independent claims as discussed above and independently allowable for novel and nonobvious matter contained therein. As to claims 7 and 17, the Examiner stated that Pena discloses a bearing portion (6,7, 8) "wherein inner and outer edges of the lower bearing surface being free of sharp

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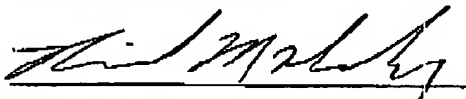
corners (since the bearing portions are circular, there are no corners, hence the surface is free of sharp corners)." Applicant disagrees that a circular-shaped bearing portion cannot have an edge forming a sharp corner at the intersection of the outer periphery and the lower surface. In fact the "upper surface 6 and the "lower surface" 7 of Pena each clearly form sharp corners (see Figs 1 and 2) at the edges formed by intersections of the outer periphery with both the upper surface 6 and the lower surface 7. Sharp corners as shown in Pena is one of the things that the present invention avoids in order to reduce damage to the roof. As to claim 15, Pena discloses having an opening in a member 5 to receive an anchor (6,7,8) to rigidly secure the member 5 to the ground 3 so that the tube 1 can be releasably secured to the ground. The opening does go through both the connecting portion and the bearing portion. In fact, the opening in the member is obstructed by the anchor (6,7,8). Reconsideration and withdrawal of the rejection is requested.

VI. CONCLUSION

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-2326.

Respectfully submitted,



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